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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/862,538	05/21/2001	Teddy Christian Johnson	10005473	1212

7590   11/01/2005

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EXAMINER
LIM, KRISNA

ART UNIT	PAPER NUMBER
2153	

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/862,538	JOHNSON, TEDDY CHRISTIAN
	Examiner	Art Unit	
	Krisna Lim	2153	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
 Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 August 2005*.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

1.   Claims 1-17 are still presented for examination.

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. §102 that
form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by
another filed in the United States before the invention by the applicant for patent or (2) a patent
granted on an application for patent by another filed in the United States before the invention by the
applicant for patent, except that an international application filed under the treaty defined in section
351(a) shall have the effects for purposes of this subsection of an application filed in the United States
only if the international application designated the United States and was published under Article 21(2)
of such treaty in the English language.

3.   Claims 1-6 and 11-16 are rejected under 35 U.S.C. §102(e) as being anticipated
by Zenner [U.S. Patent No. 6,718,330].

4.   Zenner discloses (e.g., see Figs. 1-4) the invention substantially as claimed.
Taking claims 1 and 11 as exemplary claims, the reference discloses a system and a
method for providing Web services (distributing or assigning on-line client requests to
Internet service agents) comprising the steps of:

a) a computing node (200) receiving a request from a Web client process (210, 208,
206) wherein said request includes customer ID information (this customer ID
information is inherent in a packet data communication network or Internet, see col.
5 (line 25); moreover this ID information is inherent in the email, characteristics of
the request; see col. 6 (line 9, 28 and 50).);

b) spawning (distributing) a program element (agent workstations of Fig. 2, number
of available agents at a given time (col. 6)) operable on a computing node to process
said request (e.g., see Fig. 2, col. 5 (line 51) to col. 6 (line 64));

c) associating said customer ID information (characteristics of the request, col. 6
(line 28), cols. 6-7) with the spawned program (agents); and

d) allocating (assigning and/or reassigning or load balancing) computing resources
(agents) of said computer node (Figs. 1 and 2) to the spawned program element in

accordance with the customer ID information associated with the request (e.g., see col. 2 (lines 34-36),, col. 4 (lines 44-46), col. 5 (lines 52-60)).

5. As to claims 2 and 12, Zenner discloses a system and the steps of allocating a minimum level of resource (experience level of an agent, the length of time as an agent) to the spawned program element in accordance with said customer ID information (e.g., see Fig. 4, cols. 6 and 9).

6.   As to claims 3 and 13, Zenner discloses a system and the steps of allocating a maximum level of resource (agent that can process high priority request and complete the request quick, etc.) to the spawned program element in accordance with said customer ID information (e.g., see Fig. 4, cols. 6 and 9).

7.   As to claims 4 and 14, Zenner discloses that the customer ID information (this customer ID information is inherent in a packet of data communication network or Internet, see col. 5 (line 25); moreover this ID information is inherent in email, characteristics of the request, see col. 6 (line 9, 28 and 50) is encoded (coded) in a process name of each said spawned program.

8.   As to claims 5 and 15, Zenner discloses that the computing resources that includes processor time utilization (e.g., see 5 minutes or low minutes of Fig. 4, time the agent has spent servicing the request at col. 6, line 66).

9.   As to claims 6 and 16, Zenner discloses that the computing resources that includes main memory utilization (e.g., see col. 1 (line 50), col. 4 (lines 16-18, 50).

10.   The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the
invention was made to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was made.

11.   Claims 7-10 and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable
over Zenner [U.S. Patent No. 6,718,330] in view of Cherkasova et al [U.S. Patent No.
6,865,601].

As to claims 8-10, while Zenner discloses a system and a method for providing
Web services (distributing or assigning on-line client requests to Internet service agents)
as discussed in paragraphs 8-11 above, Zenner does not explicitly mention that his
Internet automatic work distribution comprising a server node and a plurality of server
child. Such a server node and a plurality of server child are clearly taught by
Cherkasova et al (e.g., see the abstract, col. 1 (line 48) to col. 2 (line 51), col. 4 (line 25)
to col. 5 (line 6). As suggested by Cherkasova (e.g, see col. 2 (lines 52-56)), the
equally distributed workload for a web server would have been a desirable feature in the
art. Moreover, both of these two references are directed to the distributing of workload
in the computer network. Thus, it would have been obvious to one of ordinary skill in
the art to combine the teaching of Cherkasova into Zenner system in order to receive
the Internet workload distributor that can distribute equally the workload among the
servers.

12.   As to the claims 7 and 17, while Zenner a network link between LAN 122 and
Internet 128, and between LAN 122 and the computer system 100, Zenner does not
explicitly mention the bandwidth utilization. However, it would have been obvious to
one of ordinary skill in the art to recognize that the some kind of bandwidth either small
bandwidth or large bandwidth would have been obviously used in order to transmit
information between LAN and the Internet, and between LAN and the computer system.

13.   The rejections are respectfully maintained and repeated here as set forth in the last
office action.

14.   Applicant's arguments filed March 01, 2005 have been fully considered but they are not deemed to be persuasive.

In the remarks, applicants argued in substance that:

a) Zener fails to disclose or suggest a computing node receiving a request from a Web client process wherein said request includes customer ID information ... , as recited in Claim 1, and similar features recited in claim 8 (e.g., see first paragraph, page 8 of the applicant's remark), because Zener's web server 206 is separate from the Pre-IAWD and the agent workstations 222, and therefore fails to disclose or suggest a computing node that performs all of the functions recited in Claim 1.

b) Applicant notes that the term "spawn" has a particular meaning in the computer science context; namely, to create a child process in a multitasking or multithreading operating system, where a child process is a process created by another process, i.e., the parent process, where each process may create many child processes but will have only one parent process, except for the very first process which has no parent. Zenner apparently fails to disclose or suggest a multitasking or multithreading operating system. Zenner likewise fails to disclose or suggest spawning a program element operable on a computing node to process said request [from a Web client process], as recited in Claim 1.

15.   In response to paragraph 14 (a) above, Examiner disagrees because Zener discloses a system and a method for providing Web services (distributing or assigning on-line client requests to Internet service agents) comprising the steps of:

a) a computing node (200) receiving a request from a Web client process (210, 208, 206) wherein said request includes customer ID information (this customer ID

information is inherent in a packet data communication network or Internet, see col.

5 (line 25); moreover this ID information is inherent in the email, characteristics of

the request; see col. 6 (line 9, 28 and 50).);

b) spawning (distributing) a program element (agent workstations of Fig. 2, number

of available agents at a given time (col. 6)) operable on a computing node to process

said request (e.g., see Fig. 2, col. 5 (line 51) to col. 6 (line 64));

c) associating said customer ID information (characteristics of the request, col. 6

(line 28), cols. 6-7) with the spawned program (agents); and

d) allocating (assigning and/or reassigning or load balancing) computing resources

(agents) of said computer node (Figs. 1 and 2) to the spawned program element in

accordance with the customer ID information associated with the request (e.g., see

col. 2 (lines 34-36),, col. 4 (lines 44-46), col. 5 (lines 52-60)). Moreover, Zener

discloses also a computing node (e.g., see an apparatus 200).

16.   In response to paragraph 14 (b) above, to the extent of the claimed language that

is given the broadest interpretation, examiner interprets that the term "spawn" is

obviously and functionally equivalent to the term "distributing". Zener clearly discloses

the feature of distributing the requests (jobs or works or processes) to different

resources. Moreover, the feature of multitasking operation is not clearly recited in the

claim language at all. All the applicant said is "spawning a program element to process

request" which is clearly taught by Zener. On the other hand, the feature of

multitasking OS or compilers has been known to one of ordinary skill in the art for a long

time before the present invention. Thus, it would have been obvious to one of ordinary

skill in the art to install the well known OS or compiler in Zener's 100 so that the

processor 104 can distribute the client requests in a multitasking manner.

17.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

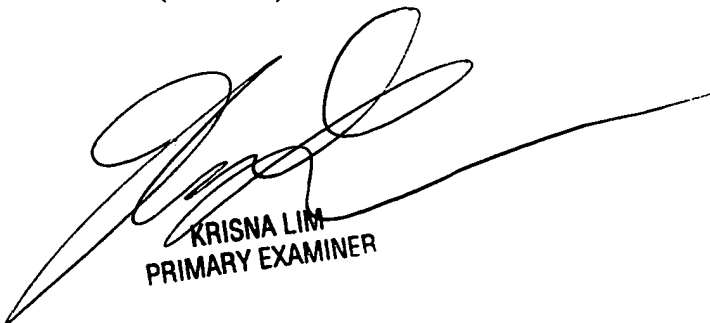than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Krisna Lim whose telephone number is 571-272-3956
The examiner can normally be reached on Monday to Wednesday and Friday from 7:30
AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Glenton Burgess, can be reached on 571-272-3949. The fax phone
number for the organization where this application or proceeding is assigned is 703-
872-9306.

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Business Center (EBC) at 866-217-9197 (toll-free).

KI

October 30, 2005

KRISNA LIM
PRIMARY EXAMINER